

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**HELENA AGRI-ENTERPRISES, LLC
f/k/a HELENA CHEMICAL COMPANY**

PLAINTIFF

v.

No. 1:18-cv-43-DPM

**RICKY LYNN FULLER;
LEANNA JOE FULLER; and
FULLER FARMS PARTNERSHIP**

DEFENDANTS

ORDER

Ricky and Leanna Fuller borrowed money in two ways from Helena entities to operate Fuller Farms Partnership, their family farm. In January 2013, the Partnership opened a line of credit with Helena Agri. The Fullers personally guarantied payment. In March 2017, the Fullers themselves got a declining balance operating loan from Helena Finance.

Helena has offered proof that the Fullers haven't repaid their loans. On the line of credit, and as of late July 2019, Helena says they owe \$22,847.37, plus a monthly finance charge of \$253.18 thereafter. *No 21 at 3*. On the operating loan, again as of late July, Helena says the Fullers owe \$828,095.49, plus daily interest of \$142.825 and a daily late charge of \$118.77. *No 21 at 4*. The Fullers have not met proof with proof on the underlying debts, the personal guaranties, or the amount details. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–25 (1986). The Helena entities are therefore entitled to judgment as a matter of law.

Here is the Fullers' total debt:

Line of Credit as of 25 July 2019	\$ 22,847.37
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Monthly interest for August, September, & October	\$ 759.54
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Outstanding Loan as of 25 July 2019	\$ 828,095.49
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Daily Interest through 18 October 2019	\$ 12,140.13
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Daily Late Fee through 18 October 2019	\$ 10,095.45
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Total	<hr/> \$ 873,937.98
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The parties' contracts also make the Fullers liable for attorney's fees, and expenses incurred in collection. *No 19-3; No 19-7 at 3*. Helena is entitled to them, too, in an amount to be fixed on motion in due course. Helena's motion for summary judgment, *No 19*, is granted. The company's motion to amend the Final Scheduling Order, *No 25*, is denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

18 October 2019